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908.ba.454.2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO.2268 OF 2024
IN
CRIMINAL APPLICATION (BA) NO.454 OF 2024

Rahul s/o Devidas Chaudhari

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Shegaon Gramin, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mir Nagman Ali, Counsel for the applicant.

Mr. N. B. Jawade, APP for non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/04/2025

1. This application was filed by the applicant for releasing him on temporary regular bail. The same was considered and he was released on temporary bail to undergo the heart surgery. As the medical file was not available with his doctor, as per his choice at Jalgaon, the surgery was not taken place. Thereafter, the applicant has applied for the extension of the temporary bail. The said extension was also granted, but he could not undergo the said surgery, and therefore, he surrendered before the jail authority. Subsequent to his surrender, he filed an application seeking permission to obtain the file from the trial Court. The trial Court has returned the medical file, and thereafter, he was referred to J. J.

Hospital at Mumbai for undergoing the required test. However, he refused to undergo the test and now the request is made that he be permitted to undergo the test in any Government Hospital at Nagpur.

2. It appears from the record that it is the applicant, who has delayed the surgery without assigning any reason, why he has not undergo the said test at J.J. Hospital at Mumbai. However, the applicant is suffering from heart ailment, considering which heart surgery is required. He is permitted to undergo the relevant test in Nagpur at Government Medical College and Super Speciality Hospital.

3. The applicant shall file an affidavit to the extent that the process is delayed by him, and therefore if anything happens to him, he is responsible for the same.

4. In the meantime, the Superintendent of District Prison, Buldhana shall produce the applicant in the Government Medical College and Super Speciality Hospital, Nagpur for undergoing the relevant test and the report shall be submitted before this Court on or before **9th of May 2025**.

5. Matter be listed before the Court on **09.05.2025**.

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6. Authenticated copy of this order be supplied to the parties concerned.

(URMILA JOSHI-PHALKE, J.)

Sarkate